

Court of Appeals, State of Michigan

ORDER

Great Lakes Water Authority v State of Michigan

Docket No. 356947

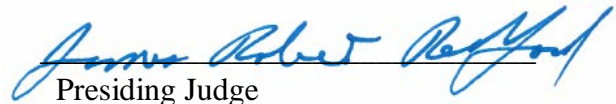
James Robert Redford
Presiding Judge

David H. Sawyer

Karen M. Fort Hood
Judges

Counts I, II, III, and IV of plaintiffs' complaint are DISMISSED without prejudice to refiling in the Michigan Court of Claims. MCL 600.6419(1). The Headlee Amendment vests original jurisdiction in the Court of Appeals for claims arising under its provisions. Const 1963, art 9, § 32; *City of Riverview v State of Michigan*, 292 Mich App 516, 520; 808 NW2d 532 (2011). This grant of original jurisdiction extends only to claims the gravamen of which are the failure to comply with the provisions of the Headlee Amendment. *Durant v State of Michigan No 1*, 459 Mich 876, 876; 585 NW2d 302 (1998); *Durant v State of Michigan (On Remand)*, 238 Mich App 185, 205; 605 NW2d 66 (1999). The theories of recovery alleged in Counts I through IV are independent of any alleged violation of the Headlee Amendment and, therefore, are outside the scope of our original jurisdiction. They must be dismissed. *Jackson Co v City of Jackson*, 302 Mich App 90, 93 n 1; 836 NW2d 903 (2013); *Durant (On Remand)*, 238 Mich App at 205.

Counts V and VI of plaintiffs' complaint are also DISMISSED without prejudice to refiling in the Court of Claims. MCR 7.216(A)(7). This Court shares concurrent original jurisdiction over actions to enforce the Headlee Amendment with the circuit court and the Court of Claims. MCL 600.308a(1); *Telford v State of Michigan*, 327 Mich App 195, 201; 933 NW2d 347 (2019); *Waterford School District v State Board of Education*, 98 Mich App 658, 663-664; 296 NW2d 328 (1980). We relinquish our jurisdiction over this matter in favor of the Court of Claims to ensure the best use of judicial resources and a speedy and efficient resolution of all the claims alleged by plaintiffs. This order has immediate effect. MCR 7.215(F)(2).


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 10, 2021

Date


Chief Clerk